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ORIGINAL

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANOFI PASTEUR, INC., f/k/a AVENTIS
PASTEUR, INC. and Cargo Insurers,

Plaintiffs,

-against-

KUEHNE & NAGEL, INC., KUEHNE &
NAGEL, S.A., EXCLUSIVE
TRANSPORTATION FOR INDUSTRY,
INC., CONTINENTAL AIRLINES, INC.,

Defendants.

-----X
KUEHNE & NAGEL, INC.,

Defendant and Third Party Plaintiff,

-against-

SOUTHWEST AIRLINES CO.,

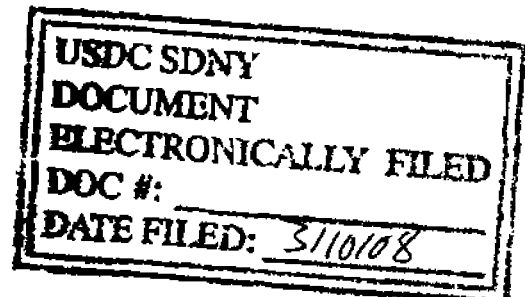
Third Party Defendant.
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ECF CASE

07 Civ. 6354 (BSJ)(FM)

~~REVISED PROPOSED~~
SCHEDULING ORDER

78m



I. APPEARANCE FOR THE PARTIES:

David L. Mazaroli, Attorney for Plaintiffs

Ernest H. Gelman, Attorney for Defendants
Kuehne & Nagel, Inc. and Kuehne & Nagel S.A.

Francis A. Montbach, Attorney for Defendant
Continental Airlines, Inc. AND Third-Party
Defendant Southwest Airlines

Marc Kunkin, Attorney for Defendant
Exclusive Transportation for Industry, Inc.

II. STATEMENT OF ISSUES:

A. Are any of the defendants liable for the claimed damages and if so, are the liable defendants jointly or severally liable for the claimed damages?

B. Were the goods claimed to have been damaged actually damaged?

C. Is such liability limited:

D. Are defendants entitled to recover on their cross-claims for indemnity, including attorneys fees?

E. What is the proper measure of damages, if any?

F. Are plaintiffs entitled to prejudgment interest? If so, what is the proper rate of interest?

III. DISCOVERY SCHEDULE:

A1 *The March 11, 2008 conference is cancelled.* JKM

A2 Anticipated Depositions:

Surveyors

Representatives of each defendant.

Representatives of plaintiffs.

Representatives of ground-handling agent.

Other witnesses as identified during the course of discovery.

B. Document production will be completed by April 24, 2008.

C. Discovery will be completed by May 30, 2008.

D. Expert reports will be produced by May 28 and experts will be deposed by June 12, 2008.

E. Settlement conference May 29, 2008 at 2 pm. JKM

F. Plaintiffs will provide pre-trial order submissions to defendants by May 28, 2008.

G. Joint Pre-Trial Order. trial briefs, proposed findings of fact and conclusions of law will be submitted by July 3, 2008.

~~H. The final pre-trial conference will be held~~

IV. DISCOVERY LIMITATIONS: None at present.

V. DISCOVERY ISSUES: None at present.

VI. ANTICIPATED FIELDS OF EXPERT TESTIMONY: Based on the disclosures made to date, counsel anticipate the following areas of expert testimony:

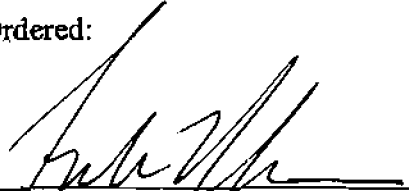
1. Existence and Extent of Damages Alleged.
2. Mitigation of Damages.
3. Practices and procedures concerning cargo handling, carriage and storage, including but not limited to temperature-controlled care.

VII. TRIAL TIME: 3 days – non-jury.

VIII. This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or ~~when justice so requires~~ supported by *an affidavit.* *7/21*

Dated: New York, New York
March 7, 2008

So Ordered:



Honorable Frank Maas
United States Magistrate Judge